

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 8/8/2013

Action Requested By:  
Legal

Agenda Item Type  
Resolution

Subject Matter:

Invoke letter of credit.

Exact Wording for the Agenda:

Resolution authorizing the Clerk-Treasurer to Invoke National Bank of Commerce Letter of Credit No. 400512200 for Watercress Phase 3 Subdivision.

**Note: If amendment, please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: Mary C. Cates

Date: 8/2/2013

RESOLUTION NO. 13-\_\_\_\_\_

WHEREAS, National Bank of Commerce issued a certain letter of credit (No. 400512200), a copy of which is attached hereto and incorporated herein by reference, including any amendments thereto, in favor of the City of Huntsville, Alabama pursuant to Article 5 of the Subdivision Regulations for the City of Huntsville, Alabama; and

WHEREAS, the letter of credit is due to be invoked and the proceeds used in accordance with said subdivision regulations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the City of Huntsville Clerk-Treasurer be and is hereby authorized to present for payment to National Bank of Commerce Letter of Credit No. 400512200, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 8th day of August, 2013.

\_\_\_\_\_  
President of the City Council  
of the City of Huntsville,  
Alabama

APPROVED this the 8th day of August, 2013.

\_\_\_\_\_  
Mayor of the City of  
Huntsville, Alabama



**NATIONAL  
BANK of  
COMMERCE**

*imp*

**Irrevocable Standby Letter of Credit**

**Beneficiary**

City of Huntsville  
Clerk-Treasurer Office  
P.O. Box 308  
Huntsville, AL 35804  
(hereinafter "City")

**Applicant**

Watercress Development LLC  
P.O. Box 1397  
Madison AL 35758  
(hereinafter "Developer")

**Bank**

National Bank of Commerce  
300 Randolph Avenue SE  
Huntsville, AL 35801

**Letter of Credit Number: 400512200**

**Amount: \$250,000.00**

**Issue Date: August 15, 2012**

**Expiration Date: August 15, 2013**

**Re: Article 5 Improvements/Pre-acceptance, Letter of Credit for, Watercress, Phase 3**

**Gentlemen:**

We hereby issue our Irrevocable Standby Letter of Credit in your favor for the account of Watercress Development, LLC effective August 15, 2012, for a sum not to exceed the aggregate of TWO HUNDRED FIFTY THOUSAND AND 00/100 (\$250,000.00) dollars available by your one or more drafts at sight on us.

All draft(s) drawn under and in compliance with the terms of this Credit prior to the expiration thereof will be dually honored if drawn and presented for payment to National Bank of Commerce in Huntsville, Alabama.

Each draft must be accompanied by a statement signed by an authorized representative of the City of Huntsville, Alabama stating that the draw is being made pursuant to Article 5 of the Subdivision Regulations of the City of Huntsville, Alabama.

**The original of this letter of credit must be presented with any drawings.**

We hereby engage with you that draft(s) drawn under and in compliance with the terms of the credit will be duly honored upon presentation and delivery of the documents specified.

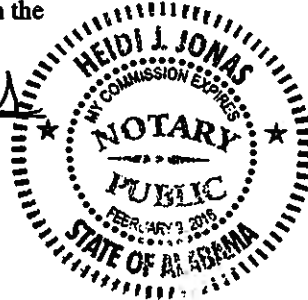
This Letter of Credit shall be governed by the laws of the State of Alabama, including but not limited to, the Alabama Uniform Commercial Code, as the same may be from time to time amended.

**Issued By: National Bank of Commerce**

300 Randolph Avenue  
Huntsville, AL 35801

Brian K. Shelton, Senior Vice President

Sworn to and subscribed before me on the  
15 day of August 2012



*MS*  
*8/20/12*

*on KCA*  
*8/22/12*

*OK*  
*CAT*  
*8/22/12*